UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BELL, BOYD & LLOYD, LLP
P.O. BOX 1135
CHICAGO, IL 60690

EXAMINER
SEYE, ABDOU K

ART UNIT	PAPER NUMBER
2194	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 September 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 4-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 4-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The request for continued examination and amendment filed on September 22, 2007 has

been received and entered. The amendment amended Claims 1-2, 5-6, 8-9 and 18-21, and

cancelled claim 3. The currently pending claims considered below are Claims 1-2 and 4-21.

Claim Objections

2. Claim 21 is objected to under 37 CFR 1.75(c), as being of improper dependent form

for failing to further limit the subject matter of a previous claim. Applicant is required to

cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent

form, or rewrite the claim(s) in independent form.

Claim 21 consists of a device, wherein the device has a computer architecture

configured for performing the steps in claim 20. Claim 20, upon which claim 21

depends, already includes these limitations. Therefore the Examiner finds no patentable

distinction between claims 20 and claim 21.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 and 4-21 are rejected under 35 U.S.C. 102(b) as being anticipated by

Kurowski, et al. (US 20020019844).

Claims 1, 18, 19-21 <u>Kurowski</u> teaches, a system, method and product for controlling an

application process in a distributed system, comprising:

providing at least one client (FIG. 2: 200);

providing at least one server (FIG. 2: 1000);

providing a server task, wherein the system is organized according to a multi-tier

model and includes at least a first presentation layer, a second layer which is organized

completely as a microkemel-based client/server system a third data layer and an

interface between the first and second layer which is configured in the form of a

message (FIG: 3; FIG. 5, paragraph 64),

where the server task comprises at least the following steps:

the client translates the server task into the message with the respective

arguments, the client sends the message to the server (paragraph 66),

the task is, in given cases, conducted further and processed to completion and a

result of the task is, with the aid of the message, re-sent to the calling wherein the

server task is subdivided into a first transaction, originating from the client to the sever,

and a second transaction originating from the server to the client, and which are

physically separate, and which first transaction is uniquely identified by use of a

timestamp (paragraph 69; 167-168).

As to claim 2, Kurowski teaches, wherein the second layer and/or its components are

configured for routing the task request (FIG. 3; paragraph 61-63).

As to claim 4, Kurowski teaches, wherein the client belongs to the first layer and the

server belongs to the second and/or third layer (FIG. 3).

As to claim 5, Kurowski teaches, wherein in the arguments of the message, a source of

the message is available as generally valid supplementary information from which a

condition for a decision, to be made optionally, is derived whether the task should be re-

sent to the client or should be sent to the other target address (paragraph 109; 233).

As to claim 6, Kurowski teaches, wherein addresses and/or return addresses for the

server task are coded in the message (paragraph 168) .

As to claim 7, Kurowski teaches , wherein the microkernel includes subsystems which belong to the second layer and/or third layer (FIG. 3; paragraph 61).

As to claim 8, Kurowski teaches, wherein the server task nested, server requests (FIG. 4; paragraph 73).

As to claim 9, Kurowski teaches, wherein a result of the task is returned on the basis of routing information included in the message (paragraph 77).

As to claim 10, Kurowski teaches, wherein the message comprises at least the following arguments: origin, in which an address of the client is coded, source name, in which the address of the server to be called is coded, and destination name, in which the return address for the result is coded (paragraph 233; 262; 333; 336).

As to claim 11-12, they are rejcted for the same reasons as the claims above.

As to claim 13 Kurowski teaches, wherein processing in the second layer is performed

asynchronously with respect to the processing in the first and/or third layer (paragraph

201).

As to claim 14, Kurowski teaches, wherein one part of the client which communicates

with the second layer is blocked for a time between the server call and transmission of

the message or receipt of a confirmation (paragraph 70; 144).

As to claim 15, Kurowski teaches, wherein multiple calls of multiple clients are stored in

a queue which operates according to a FIFO principle (paragraph 152-153).

As to claim 16-17, they are rejected for the same reasons as the claims above.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Doyle (6009455) discloses a distributed computation utilizing idle networked

computers.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, William Thomson at (571) 272-3718. The fax phone number for formal or official faxes to Technology Center 3600 is (571) 273-8300. Draft or informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

AKS
January, 02 2007

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER